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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,168	01/10/2006	Włodzimierz Gnarowski	0223/95939	7840
Welsh & Katz, Ltd. 120 South Riverside Plaza, 22nd Floor			EXAMINER	
			ELDRED, JOHN W	
Chicago, IL 60606-3945			ART UNIT	PAPER NUMBER
			3641	
			MAIL DATE	DELIVERY MODE
			12/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
	10/564,168	GNAROWSKI ET AL.			
Office Action Summary	Examiner	Art Unit			
	J. Woodrow Eldred	3641			
The MAILING DATE of this communicate Period for Reply	ion appears on the cover sheet w	th the correspondence address			
A SHORTENED STATUTORY PERIOD FOR WHICHEVER IS LONGER, FROM THE MAIL  - Extensions of time may be available under the provisions of 37 after SIX (6) MONTHS from the mailing date of this communic:  - If NO period for reply is specified above, the maximum statutor  - Failure to reply within the set or extended period for reply will, I Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ING DATE OF THIS COMMUNION (CFR 1.136(a)). In no event, however, may a reation.  The period will apply and will expire SIX (6) MON by statute, cause the application to become AE	CATION.  reply be timely filed  ITHS from the mailing date of this communication.  BANDONED (35 U.S.C. § 133).			
Status					
Responsive to communication(s) filed o     This action is <b>FINAL</b> . 2b)[     Since this application is in condition for a closed in accordance with the practice under the closed in accordance.	☐ This action is non-final. allowance except for formal matt	-			
Disposition of Claims					
4) ☐ Claim(s) 1-4 is/are pending in the application  4a) Of the above claim(s) is/are w  5) ☐ Claim(s) is/are allowed.  6) ☐ Claim(s) 1-4 is/are rejected.  7) ☐ Claim(s) is/are objected to.  8) ☐ Claim(s) are subject to restriction  Application Papers	vithdrawn from consideration.				
9)☐ The specification is objected to by the Examiner.					
10) The drawing(s) filed on is/are: a) Applicant may not request that any objection Replacement drawing sheet(s) including the 11) The oath or declaration is objected to by	n to the drawing(s) be held in abeyar correction is required if the drawing	nce. See 37 CFR 1.85(a). (s) is objected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>					
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-93) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	948) Paper No(s	Summary (PTO-413) s)/Mail Date nformal Patent Application 			

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## **DETAILED ACTION**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over DE 748146.

The translation of the foreign reference is somewhat confusing but it appears that substantially all elements are present or present in only slightly different forms, including a fore box III and a main flap II connected by spring actuators 10, rolls 4, curved guides 1, 2, and 3 which support the forebox and main flap, a wing chamber IV with a cylinder ring, and driving gears which allow the flap to form a changing slot.

4. In the arguments filed 7-31-08, Applicant argues that the reference does not disclose the wing part (fore box III and main flap II) being supported by or riding on the curved rail but is instead supported by a perpendicular axle 6 and connected by a control arm 7. However, it appears that, while these elements do support the wing part, they are connected to the curved rails, so the rails also support the wing part and allow the wing part to ride on rails.

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5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Woodrow Eldred whose telephone number is (571)272-6901. The examiner can normally be reached on Monday to Thursday, from 8:00 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Woodrow Eldred/ Primary Examiner Art Unit 3641 Application/Control Number: 10/564,168

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